

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Criminal No. 22-cr-90 (KMM/LIB)

Plaintiff,

v.

ORDER

George Francis Deppa,

Defendant.

This matter is before the Court pursuant to a general assignment made in accordance with the provisions of Title 28 U.S.C. § 636 (b)(1)(A), and upon Defendant George Francis Deppa's Motion for Determination of Competence. [Docket No. 23]. Defendant moves the Court for a hearing to determine the mental competency of Defendant, pursuant to 18 U.S.C. § 4241(a).

On November 21, 2022, the Government filed a response to Defendant's Motion. [Docket No. 26]. The Government reserves the right to present argument and evidence prior to a final determination of competency, but the Government does not object to the Defendant's request for an evaluation.

The Court concludes there is "reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(a). Defendant shall be committed to the custody of the Attorney General for placement in a suitable facility to be examined for competency for a period not to exceed 30 days, with leave for the Director of that facility to apply for a reasonable extension of time not to exceed 15 days pursuant to 18 U.S.C. § 4247(b);

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Defendant's Motion for Determination of Competence, [Docket No. 23], is **GRANTED**.

2. The hearing on Defendant's Motion for Determination of Competence, [Docket No. 231], December 1, 2022, is no longer necessary, and therefore, the hearing is **CANCELLED**.

3. The United States Marshal's Service shall promptly transport Defendant to the designated facility as soon as possible;

4. The Court directs that the ordered psychological evaluation assess Defendant's competency to stand trial and assist in his defense. The report of examination should include Defendant's history and present symptoms; a description of the psychiatric, psychological, and medical tests that were employed and their results; the examiner's findings; and the examiner's opinions as to diagnosis and prognosis. *See* 18 U.S.C. § 4247(c). The Court further directs that the evaluation include the examiner's opinions as to whether Defendant is suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. *See* 18 U.S.C. § 4247 (c).

5. The psychological examination shall be conducted in a suitable facility as close as possible to the Court. 18 U.S.C. § 4247(b).

6. The report of Defendant's psychological examination by the facility shall be filed with the Court, with copies provided to the Assistant United States Attorney and to Defense counsel pursuant to 18 U.S.C. § 4247(c), as soon as practicable following the examination.

7. A hearing pursuant to 18 U.S.C. § 4241(c) and 4247(d) shall be scheduled by the Court upon completion of the evaluation and report directed above.

8. It is **FURTHER HEREBY ORDERED** that the entire period of time from the filing of the Defendant's Motion, [Docket No. 23], on November 17, 2022, until the Court's Order

on the Defendant's competency to stand trial is issued, is hereby excluded from the period within which the Trial of this matter must commence under the Speedy Trial Act. *See* Title 18 U.S.C. §3161(h)(1)(D) (excluding "delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion").

Dated: November 22, 2022

s/Leo I. Brisbois
Hon. Leo I. Brisbois
U.S. MAGISTRATE JUDGE